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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,331	03/27/2001	Charles R. Broadus	4000.2.35	3137

32641 7590 01/11/2005

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EXAMINER

YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,331

Applicant(s)

BROADUS, CHARLES R.

Examiner

Harun M. Yimam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see office action</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/28/04, 04/25/03, 06/04/02, and 05/21/01 have been considered by the examiner.

Claim Objections

2. Claims 1, 11, and 21 are objected to because of the following informalities:

In claim 1, line 3, "axes" should be changed to –axis—.

In claim 11, line 4, "axes" should be changed to –axis—.

In claim 21, line 3, "axes" should be changed to –axis—.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 11-14, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein (US 6,412,110).

Considering claims 1 and 11, Schein discloses a system and a corresponding method for indicating a completion status of a media program comprising: an EPG component for displaying... (figure 1) a completion status component configured to display a line (199 in figure 1) indicating a current time across at least a portion of the EPG, wherein the line is perpendicular to the second axis (see figure 1) and bisects an element of the EPG into an elapsed portion and a remaining portion.

As for claims 2 and 12, Schein discloses a line (199 in figure 1) for bisecting a plurality of elements of the EPG.

With regards to claims 3 and 14, Schein discloses that the media program is selected from a television program (figure 1).

Regarding claims 4 and 13, Schein teaches that the current time is represented by the location of the status line (column 4, lines 59-61) with respect to the start times of the programs. Therefore, since it is known to all that time is always changing, it is understood that the line moves along the second axis to indicate a change in the current time.

Considering claim 21, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 1 and 11.

As for claim 22, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 2 and 12.

With regards to claim 23, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 4 and 13.

Regarding claim 24, Schein discloses a user interface (column 6, lines 64-66) for performing the acts of claims 3 and 14.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 8, 9, 15, 16, 18, 19, 25, 26, 28, and 29 are rejected under U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) and Schein (US 2003/0005445).

Considering claims 5 and 15, Schein '110 discloses a visual indication of a program status for a media program. Schein '110 fails to disclose a separate visual

indication of the program status that shows the completion of a corresponding element not being fully displayed on the EPG.

In an analogous art, Schein '445 discloses a separate visual indication (shaded portions of the elapsed programs: see figure 16A) of the program status that shows the completion of a corresponding element (e.g. This morning on channel 10) not being fully displayed on the EPG (paragraph 0132, lines 14-16).

It would have been obvious to one of ordinary skill in the art to modify Schein's '110 system to include a separate visual indication of a completion status for a media program, as taught by Schein '445, for the benefit of providing the user a visual display of a broadcasting elapsing time, allowing the user to immediately determine the completion status of a plurality of programs.

Claims 6 and 16 are met by Schein '110 and Schein '445. In particular, Schein '445 discloses a shaded portion of the elapsed programs (see figure 16A) that is displayed on the corresponding element (e.g. This Morning on channel 10).

Claims 8 and 18 are met by Schein '110 and Schein '445. In particular, Schein '445 discloses a separate visual indication of the program status: program matrix (508 in figure 16A) wherein the elapsed and the remaining portion of the program are

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proportional in size to an elapsed and remaining time respectively (i.e. Jeopardy – elapsed program, is proportional to the elapsed time from 7:00 - 7:30pm).

Claims 9 and 19 are met by Schein '110 and Schein '445. In particular, Schein '445 discloses a separate visual indication of the program status (shaded regions of figure 16A) wherein the elapsed portion is displayed in a first color (shaded) and the remaining portion is displayed in a second color (white) (see the bar graphs in figure 14).

With regards to claim 25, Schein '110 and Schein '445 disclose a user interface (see Schein '110—column 6, lines 64-66) for performing the acts of claims 5 and 15.

Regarding claim 26, Schein '110 and Schein '445 disclose a user interface (see Schein '110—column 6, lines 64-66) for performing the acts of claims 6 and 16.

Considering claim 28, Schein '110 and Schein '445 disclose a user interface (see Schein '110—column 6, lines 64-66) for performing the acts of claims 8 and 18.

As for claim 29, Schein '110 and Schein '445 disclose a user interface (see Schein '110—column 6, lines 64-66) for performing the acts of claims 9 and 19.

7. Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein '110 and Schein '445 as applied to claims 5, 15, and 25 above, and further in view of Kohno (US 6,462,784).

Regarding claims 7 and 17, Schein '110 and Schein '445 disclose a visual indication of a program status for a media program. Schein '110 and Schein '445 fail to disclose a pie chart, a ratio bar graph, or a numeric value indicating a completed percentage of a corresponding media program.

In an analogous art, Kohno discloses a bar graph (see the right side of figures 6 and 14) indicating a completed percentage of a corresponding media program (see column 8, lines 7-18).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Schein '110 and Schein '445 to include a bar graph, as taught by Kohno, for the benefit of providing the user a visual display of the status of the progress of a program.

Considering claim 27, Schein '110 and Schein '445 disclose a user interface (Schein '110— column 6, lines 64-66) for performing the acts of claims 7 and 17.

8. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein '110 and Schein '445 as applied to claims 9, 19, and 29 above, and further in view of Young (US 6,167,188).

As for claims 10, 20, and 30 Schein '110 and Schein '445 disclose a visual indication of a program status for a media program. Schein '110 and Schein '445 fail to disclose a separate visual indication of the program status wherein the elapsed portion is displayed in red.

In an analogous art, Young discloses an EPG where a completed task is displayed with a solid red background (column 5, lines 47- 48).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Schein '110 and Schein '445 to include a completed task within an EPG to be displayed in red, as taught by Young, for the benefit of enabling the user to readily recognize the elapsed portion of a particular program.


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 703-305-0636. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY



CHRIS GRANT
PRIMARY EXAMINER